REMARKS

The Office Action mailed September 12, 2006, has been carefully reviewed and by this Amendment, claims 1-13 have been amended, and new claims 14-20 have been added. Claims 1-20 are pending; claims 1 and 14 are independent. In view of the foregoing amendments and the following remarks, favorable reconsideration of this application is respectfully requested.

The Examiner rejected claims 1-13 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,449,971 to Cawood.

As clarified in amended claim 1, the present invention is directed to a collecting bag for human body wastes including a bag member having at least two outer film blanks with joined edges defining the outer contours of the bag member and the fluid-retaining area of the bag member. An inlet opening is provided in one of the film blanks, with a discharge portion at a distance from the inlet opening, in a lower portion of the bag member. The discharge portion defines a longitudinal direction and includes a closure device for bringing the bag from a discharge position, in which the bag is open, to a position of use, in which the bag is closed. The collecting bag further includes an accommodating element *within the outer contours of the bag member* which define

the fluid-retaining area for accommodating at least a part of the discharge portion in the position of use of the bag.

The bag member includes at least a first substantially tubular inner film element and a second substantially tubular inner film element. These substantially tubular film elements are *inner* film elements because each substantially tubular inner film element is positioned *within* the fluid-retaining area of the bag member and is attached to the inner side of each outer film blank by means of at least one joint. The first and second substantially tubular inner film elements are respectively situated on each side of a dividing line that is substantially parallel with the longitudinal direction defined by the discharge portion. Further, each of the substantially tubular inner film elements has, when the bag is substantially empty, a distal fold and a proximal fold with respect to the dividing line.

A first joint between the first substantially tubular inner film element and one outer film blank and a second joint between the second substantially tubular inner film element and the same outer film blank each respectively include at least one proximal joint section at or near the proximal fold and at least one distal joint section at or near the distal fold. For each of the first and second joints, a first distance between at least a

lower part of the proximal joint section and the proximal fold is smaller than a second distance between at least a lower part of the distal joint section and the distal fold.

Finally, the accommodating element provides at least one opening for receiving at least a part of the discharge portion in the position of use of the bag. This opening extends substantially transversely between the proximal joint sections of the first and the second substantially tubular inner film elements, respectively.

Due to the joints and the folds, expansion of the bag by fluid retained within the bag member creates an outer contour that includes a recessed area between the proximal joint sections in the area of the dividing line. When the discharge portion is in the position of use, the closure device is situated so as to fit within the recessed area where it is secured by the accommodating element. As a result, in the in-use position the closure device fits within the outer contours of the bag member and does not protrude beyond the outermost plane of the bag member (see the dotted line in Figure 3). In this way the total area of the bag member is not increased and the bulkiness of the bag is reduced in terms of outward projection so that the user can wear the bag discretely. This is not shown or suggested by the prior art.

Cawood discloses a urine collection method using a bag member 11 having an inlet tube 29 and a discharge opening 34 with a closure device 35b that can fit within a pocket 37. The Examiner has relied upon the tube 29 and the pocket 37 as constituting substantially tubular inner film elements. However, as clarified in amended claim 1, these elements in Cawood are not analogous to the substantially tubular inner film elements of the present invention.

In Cawood, the tube 29 is positioned *outside* the bag 11 to work with one-way valve 30 to direct urine into the bag via the catheter 13. The pocket 37 is formed by separating and heat sealing a portion of the bag member such that the pocket is not contained within the fluid-retaining portion of the bag but rather reduces that portion while increasing the total area of the bag, as shown in Figure 2. Hence, neither the tube 29 nor the pocket 37 is an *inner* film element as neither is within the fluid-retaining area of the bag member, as is set forth for the substantially tubular inner film elements in amended claim 1.

For at least the foregoing reasons, claim 1 is patentable over the prior art. Claims 2-13 are also in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

New claim 14 is in condition for allowance for at least the same reasons as claim 1. In addition, claim 14 provides that each substantially tubular inner film element is enclosed within the bag member in the fluid-retaining area and is attached to the inner side of each outer film blank by a respective pair of spaced joint sections, and further provides that each substantially tubular inner film element is provided in the area of the bag member situated near the discharge portion. This is not shown by Cawood as the tube 29 in Cawood is situated distally from the discharge portion as required by its urine input function. More particularly, the tube 29 could not be placed near the discharge portion as this would result in the input of urine at the bottom of the bag, preventing free fluid flow as incoming urine would be forced to pass directly into the collected urine.

Claims 15-20 2-13 are in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

With this Amendment, it is respectfully submitted that the present application is in condition for allowance.

Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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